

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : 4:CR-04-270  
v. : (Judge McClure)  
WILLIAM HEISER, :  
Defendant :

**ORDER**

March 12, 2008

**BACKGROUND:**

Defendant having waived his right to a jury trial on March 24, 2006, and there having been several continuances, the non-jury trial is now scheduled for the April, 2008 trial term.

Now before the court is defendant's motion to withdraw jury waiver and request for continuance of trial with concurrence, filed March 12, 2008.

Defendant now seeks to withdraw his jury waiver and the government does not oppose the same. Moreover, defense counsel states that he has been diligently preparing for trial, with regular meetings with the client and reviews of the extensive documentary evidence provided to date on discovery. He states that investigation by the defense continues and that additional time is needed to

adequately prepare the case. The government concurs in the request for a continuance.

The court makes the following further findings:

1. Failure to grant the requested continuance would unreasonably deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
2. Failure to grant the requested continuance would be likely to result in a miscarriage of justice.
3. Based on the foregoing, the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.
4. The period of delay resulting from this continuance shall be excluded in computing the time within which trial of the offenses must commence, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), (B)(i),(iv).

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Defendants's request to withdraw his jury waiver entered March 4, 2006 (Rec. Doc. No. 186, filed March 12, 2008) is granted and the trial will be by jury.

2. Defendant's motion for continuance (Rec. Doc. No. 186, filed March 12, 2008) is granted.

3. Trial is continued from the April, 2008 trial list to the May, 2008 trial list, with jury selection scheduled for May 6, 2008, at 10:00 a.m., in Courtroom No. 1, Federal Building, Fourth Floor, 240 West Third Street, Williamsport, Pennsylvania, and presentation of the case to the jury is scheduled to commence May 27, 2008 and continue through May 30, 2008, if necessary.

4. The period of delay resulting from this continuance is excluded under the Speedy Trial Act in computing the time within which trial of the offenses must commence under 18 U.S.C. § 3161(h)(8)(A), (B)(i),(iv).

/s James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge